

HOUSE BILL No. 1838

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-14-5.5; IC 20-14-5.6.

Synopsis: Unserved townships and library districts. Provides procedures for a township that does not have territory in a library district to join an existing library district: (1) by legislative body resolution; or (2) by an election on a public question.

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1838

A BILL FOR AN ACT to amend the Indiana Code concerning public libraries.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-14-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 5.5. Unserved Township Joining a Library District by**
5 **Legislative Body Resolution**

6 **Sec. 1. As used in this chapter, "document" refers to a petition**
7 **or a remonstrance under this chapter.**

8 **Sec. 2. This chapter applies to a township that does not have any**
9 **part of the territory of the township in a library district.**

10 **Sec. 3. A township legislative body may propose by resolution**
11 **that the territory in the township join an existing library district**
12 **that is named in the resolution.**

13 **Sec. 4. The township trustee shall:**

14 **(1) file a copy of the resolution with the library board of the**
15 **library district named in the resolution; and**

16 **(2) within ten (10) days after the filing under subdivision (1),**
17 **publish notice of the filing in a newspaper of general**

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circulation in the township.

Sec. 5. (a) Within three (3) months after the publication of notice under section 4(2) of this chapter, any registered voter in the township may notify the township legislative body that a voter intends to file a remonstrance against the township joining the library district.

(b) This subsection applies if notice is not given under subsection (a) of intent to file a remonstrance. Three (3) months after the publication of notice under section 4(2) of this chapter, the township becomes a part of the library district. The township trustee shall file notice of the joinder with the board of the library district that the township has joined, the office of the county recorder in the county where the administrative office of the library district is located, and the Indiana state library. The joinder is effective on the day the township trustee files notice.

(c) This subsection applies if a registered voter in the township gives notice under subsection (a) of intent to file a remonstrance. Within twenty-four (24) months after the publication of notice under section 4(2) of this chapter, any registered voter in the township may file with the township legislative body:

- (1)** a petition in favor of the township joining the library district; or
- (2)** a remonstrance against the township joining the library district.

Sec. 6. The following apply to a document that is filed under section 5(c) of this chapter:

- (1)** A petition must state that the registered voters of the township who sign the petition favor the township joining the library district.
- (2)** A remonstrance must state that the registered voters of the township who sign the remonstrance oppose the township joining the library district.
- (3)** The document must show the following:
 - (A)** The date on which each person signed the document.
 - (B)** The residence of each person on the date the person signed the document.
- (4)** The document must include an affidavit of the person circulating the document stating that each signature on the document:
 - (A)** was affixed in the person's presence; and
 - (B)** is the true signature of the person who signed the document.



1 **Sec. 7. (a) The clerk of the circuit court in the county in which**
 2 **the township is located shall do the following:**

3 (1) **Strike all names appearing more than one (1) time on a**
 4 **document.**

5 (2) **Certify the number of signatures on a document that:**

6 (A) **are not duplicates; and**

7 (B) **represent persons who are registered voters in the**
 8 **township.**

9 (b) **The clerk of the circuit court shall complete the certification**
 10 **required under subsection (a) not more than fifteen (15) days after**
 11 **a document is filed.**

12 **Sec. 8. The following occur ten (10) days after the clerk of the**
 13 **circuit court completes the certification under section 7 of this**
 14 **chapter:**

15 (1) **If more voters sign the petition than sign the**
 16 **remonstrance, the township becomes a part of the library**
 17 **district. The township trustee shall file notice of the joinder**
 18 **with the board of the library district that the township has**
 19 **joined, the office of the county recorder in the county where**
 20 **the administrative office of the library district is located, and**
 21 **the Indiana state library. The joinder is effective on the day**
 22 **the township trustee files notice.**

23 (2) **If an equal number or more registered voters sign the**
 24 **remonstrance than sign the petition:**

25 (A) **the township does not join the library district; and**

26 (B) **the township legislative body may not consider another**
 27 **petition for joining a library district for ten (10) years**
 28 **from the date the clerk of the circuit court certifies the**
 29 **remonstrance.**

30 **Sec. 9. Consent of a library board is not required for a township**
 31 **to join a library district under this chapter.**

32 **SECTION 2. IC 20-14-5.6 IS ADDED TO THE INDIANA CODE**
 33 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 34 **JULY 1, 1999]:**

35 **Chapter 5.6. Unserved Township Joining a Library District by**
 36 **Public Question**

37 **Sec. 1. This chapter applies to a township that:**

38 (1) **does not have any part of the territory of the township in**
 39 **a library district; and**

40 (2) **has a township legislative body that considers but does not**
 41 **adopt a resolution to join a library district under**
 42 **IC 20-14-5.5.**

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1 **Sec. 2. (a)** A local public question shall be placed on the ballot at
 2 the next general, special, or primary election held in the township
 3 after the township legislative body fails to adopt the resolution
 4 described in section 1 of this chapter. The public question must ask
 5 voters who reside within the boundaries of the township whether
 6 the territory in the township should join an existing library district.
 7 The public question must read as follows:

8 "Shall the territory in (insert the name of the township)
 9 township join an existing library district selected by the
 10 township board?"

11 **(b)** The county election board shall tabulate the results of the
 12 election and certify the totals to the legislative body of the township
 13 described in section 1 of this chapter.

14 **(c)** Subject to this section, IC 3-10-8 applies to an election held
 15 under this section.

16 **Sec. 3. (a)** If more votes are cast in favor of than against the
 17 public question:

18 (1) the township legislative body shall select the library
 19 district that the township shall join; and

20 (2) the township trustee shall file notice of the joinder with the
 21 board of the library district that the township has joined, the
 22 office of the county recorder in the county where the
 23 administrative office of the library district is located, and the
 24 Indiana state library. The joinder is effective on the day the
 25 township trustee files notice.

26 **(b)** If more votes are cast against than in favor of the public
 27 question:

28 (1) the township does not join a library district; and

29 (2) the township legislative body may not consider another
 30 petition for joining a library district for ten (10) years after
 31 the date the election was held on the public question.

32 **Sec. 4.** Consent of a library board is not required for a township
 33 to join a library district under this chapter.

